

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Relocation of Utility Facilities, Improvement of County Streets and Roads

**Policy
Number**

J-2

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Purpose

To define and clarify financial responsibility for relocation of utility facilities in conjunction with public road and street improvement projects.

Background

Utility agencies are required to relocate their facilities within County road right of way when such installations conflict with improvements undertaken by the County and financed with public funds. California courts have consistently held that the right to construct public utility facilities in streets and highways amount to a franchise, subject to obligation to relocate its facilities at its own expense when necessary to make way for proper governmental use of streets.

Policy

It is the policy of the Board of Supervisors that:

1. Utility agencies shall bear the cost of necessary utility relocations on all road improvement projects financed by public funds for the benefit of the public, including those within Permanent Road Division Zones of Benefit formed under assessment act procedures, or where such improvements are financed by a non-profit organization for the benefit of that organization.

The above shall not apply where existing utilities are located within property owned by the utility agency or within a utility easement acquired prior in time and/or right to the County's right of way.

2. On all road improvement projects in conjunction with private property developments - such as land subdivisions, lot splits, commercial or industrial developments, trailer parks, or speculative residential developments - the developer shall bear the cost of necessary utility relocations. In this case, it shall be the developer's responsibility to contact the utility agencies, advise them of proposed improvements, and make direct arrangements for relocation of any conflicting utilities. Evidence of such completed arrangements in the form of a clearance by the public utility shall be presented by the developer prior to final approval of the development's plans by the County or issuance of any permit to construct.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

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Board Action

12-2-68 (18)

12-9-68 (54)

6-23-69 (98)

7-26-88 (43)

12-12-89 (49)

8-7-2002 (5)

1. Department of Public Works